

REMARKS

In the present Office Action, claims 1-34 were pending before the Office. Of these, claims 1 and 18 were the only independent claims.

Claims 1-34 were rejected under 35 U.S.C. § 103(a).

No claims are hereby added, amended, canceled, or withdrawn.

A. CLAIM REJECTION UNDER 35 U.S.C. § 103

Claims 1-34 were rejected under 35 U.S.C. §103(a) as being obvious over the combination of U.S. Patent Publication No. 2001/0011338 to Bonola [hereinafter *Bonola*] and *the conventional memory allocation process* discussed in the "Background" section of Applicants' disclosure [hereinafter *the conventional memory allocation process*]. This rejection is respectfully traversed.

Independent claim 1 recites, *inter alia*
if the memory includes one or more sections of an unallocated size, allocating one of the sections of an unallocated size to the size required by the portion of the set of data thereby creating a section of a dynamically allocated size, the section of the dynamically allocated size including one or more group entries of the size required by the portion of the set of data, the dynamically allocated size being the smallest-sized group entry necessary to store the portion of the set of data.

Independent claim 18 corresponds generally to independent claim 1 and recites similar features in apparatus form.

Applicants respectfully submit that neither *Bonola* nor *the conventional memory allocation process* disclose at least the above features of independent claims 1 and 18. Specifically, it is submitted that the primary citation to *Bonola* does not

disclosed the claimed dynamic allocation size being the smallest-sized group entry necessary to store the portion of the set of data. Accordingly, without conceding the propriety of the proposed combination, the proposed combination of *Bonola* and the conventional memory allocation process is likewise deficient, even in view of the knowledge of one of ordinary skill in the art.

Applicants respectfully submit that, much like allocating nine parking spaces for five cars, *Bonola* discloses allocating more memory than "the smallest-sized group entry necessary to store the portion of the set of data." To conclude otherwise would be to completely remove any patentable weight from the terms "smallest" and "necessary."

As previously noted, *Bonola* teaches that after a heap subregion is divided into two heap subregions, if a remaining half of the heap subregion contains twice as much memory as is required by the requesting application, the remaining half of the heap subregion is iteratively divided in half until there is a heap subregion that does not have twice as much memory as is required. Only then is the subregion assigned to the application. Conversely, if the remaining half of the subregion does not contain more than twice as much memory as is needed by the requesting application, the remaining half of the subregion is assigned. *Bonola*, paragraphs [0038] and [0039]. Thus, the *Bonola* process merely seeks to reduce the size of the remaining half to a threshold size.

The Examiner contends that "for the purposes of the invention of *Bonola*, the smallest size needed is equivalent to a heap sub region that is less than twice the memory required for the application." *Office Action*, page 3. This contention completely ignores the express claim terms "smallest" and "necessary." That is, smallest possible in accordance with *Bonola* does not equate to "smallest" and "necessary."

The secondary citation to *the conventional memory allocation process* fails to remedy the deficiency in *Bonola*.

Accordingly, favorable reconsideration and withdrawal of the rejection of independent claims 1 and 18 are respectfully requested.

Applicants respectfully maintain that the prosecution record does not yet support the Office's contention that *the conventional memory allocation process* is in fact "prior art" or that such has been "admitted."

B. CONCLUSION

Since Applicants assert that all the independent claims as amended are in condition for allowance and all remaining claims properly depend from the independent claims, Applicants assert that all claims are allowable.

Applicants do not believe a Request for Extension of Time is required but if it is, please accept this paragraph as a Request for Extension of Time and authorization to charge the requisite extension fee to Deposit Account No. 04-1696. Applicants do not believe any additional fees are due regarding this Amendment. However, if any additional fees are required, please charge Deposit Account No. 04-1696.

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Respectfully Submitted,



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